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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,099	02/28/2002	Matthew Barrow	1761 400-06400	2736
28003	7590	05/19/2006	EXAMINER	
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			SALL, EL HADJI MALICK	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	10/086,099	BARROW ET AL.	
	Examiner	Art Unit	
	El Hadji M. Sall	2157	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-12.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
**MOUSTAFA M. MEKY**  
**PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: The same arguments were presented in the previous communication. Explanation has been given in the final Office action.

(A) Applicant argues that Bhatia does not teach or suggest receiving a configuration file at all, much less from a remote location. In regards to point (A), examiner respectfully disagrees.

Column 4, lines 45-47 and column 26, lines 28-32, Bhatia discloses the LAN modem receiving configuration information directly from the LAN, and the LAN modem can be remotely configured via a networked connection (i.e. inherently, a configuration file (i.e. a set of related records or information (i.e. data, text, spreadsheets, pictures, voice and video. Data are discretely defined fields. Text is a collection of words) is received in the LAN modem or "telecommunications hub")

Column 62, lines 1-5, Bhatia teaches a configuration file from a remote server. This teaching of configuration file being downloading confirmed what applicants have stated in their arguments that it is not a new process. It is well known in the art. Therefore column 4, lines 45-47 is enough to teach the limitation "receiving a configuration file from a remote location".

(B) Applicant argues that Bhatia teaches entering individual parameters that the modem uses to configure itself. Bhatia teaches nothing about comparing such parameters to ones that have been previously received. In regards to point (B), examiner respectfully disagrees.

Features such as comparing such parameters to ones that have been previously received is not in claim 1.

(C) Applicant argues that Bhatia provides no teaching or suggestion concerning the possibility of changing configuration parameters dynamically. In regards to point (C), examiner respectfully disagrees.

Column 24, lines 55-67, Bhatia discloses dynamically constructing a default web page through which the user can choose to configure the LAN modem. Further, network parameters are entered to properly configure the LAN modem. The configuration of the LAN modem take place after a web page is dynamically constructed. Therefore, Bhatia teaches "possibility of changing configuration parameters dynamically".

Column 11, lines 35-42, Bhatia discloses LAN modem can be configured to dynamically assign an available IP address within the subnet assigned to the LAN modem (providing dynamic IP addressing (i.e. "dynamic configuration").

(D) Applicant argues that Bhatia teaches nothing about dynamically changing parameters and therefore could not teach performing dynamic changing of parameters. In regards to point (D), examiner respectfully disagrees.

In response to applicant's argument Examiner is referring the applicant to argument (C) because Bhatia indeed teaches "dynamic changing parameters".

(E) Applicant argues that Bhatia clearly does not teach that each functional module stores configuration file parameters which affect its parameters. Bhatia clearly does not teach that each functional module has a check function. Bhatia clearly does not teach that each functional module has an update function. In regards to point (E), examiner respectfully disagrees.

Column 49, line 60 to column 50, line 20, Bhatia discloses the LAN modem continually check the executable code stored within DRAM against the same executable code stored in the flash memory for any discrepancies, and the integrity of the executable code in the DRAM is maintained by continually and repeatedly comparing and correcting it (i.e. "update") to identically reflect that stored within the flash memory.

(F) Applicant argues that Bhatia does not teach a configuration update module, especially one adapted to receive a configuration file over the WAN. In regards to point (F), examiner respectfully disagrees.

Column 17, lines 50-53, Bhatia discloses a configuration manager with configuration update capacity to update and configure the LAN modem.

Column 5, lines 16-35, Bhatia discloses the LAN modem connected to the remote server (i.e. a server which the LAN modem receives configuration information or configuration file to update the modem).

(G) Applicant argues that Bhatia does not teach configuration files, or downloading configuration files from a file server, it cannot and does not teach a configuration server. In regards to point (G), examiner respectfully disagrees.

In response to applicant's argument Examiner is referring the applicant to argument (A) because Bhatia indeed teaches "configuration file". On column 62, lines 1-5, Bhatia explicitly teaches configuration file from a remote sever. .